



# STATE OF CONNECTICUT

## DEPARTMENT OF MENTAL HEALTH

January 24, 1994

Effective Date: March 1, 1994

### COMMISSIONER'S POLICY STATEMENT NO. 36

#### PATIENT SEARCHES

The Patients' Rights statutes (Section 17a-540 through Section 17a-550, as amended by P.A. 93-369) of the Connecticut General Statutes codify the rights and protections which apply to patients in Department of Mental Health facilities.

It shall be the policy of the Department of Mental Health that no searches of a patient or a patient's property shall be conducted without the patient's consent, except as follows:

#### A. SEARCHES OF PATIENTS' PROPERTY

1. Searches of patients' property may be conducted when there is reason to believe that a particular patient's property contains contraband material that threatens the health and safety of the patient, other patients or staff. An immediate search may be conducted when there is serious concern for the welfare and safety of the patient(s) and/or staff or serious concern about facility security. This immediate search must have the approval of authorized staff as defined in facility procedure. If immediate action is not necessary, prior written approval of the Superintendent/ Director or his/her designee must be obtained. In accordance with facility procedures, the facility's Department of Public Safety must be notified.
2. Searches of areas such as lockers, wardrobes, bedside tables, etc., may be performed at DMH facilities, either routinely or randomly, in order to remove hazards that could threaten the health and safety of patients and staff. There must be reasonable cause for these searches, and they must be conducted in a reasonable manner as described in facility procedure.
3. In accordance with Public Act 93-119 patient(s) shall be permitted to be present during any search of his/her personal possessions.

#### B. SEARCHES OF PATIENTS

1. Searches of patients may be conducted only on an individual basis and only for reasons of serious concern for patient and/or staff welfare and safety or facility security.

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Written approval of the Superintendent/Director or his/her designee must be obtained prior to conducting this search unless immediate action is necessary.

2. Strip searches, (that is, removal of the patient's clothing and inspection of the clothing and the exterior of the body) and body searches, (that is, inspection of body cavities) may be done only on an individual basis and only for reasons of grave concern for patient and/or staff welfare and safety or facility security. These strip searches should be done with full respect for personal dignity and right to privacy, therefore, gender considerations regarding who should be present during searches should be defined in facility procedure. Except in an emergency, no patient should have strip/body search without a person of same gender present. Specific written approval, including the type of search authorized, must be obtained from the Superintendent/Director or his/her designee prior to the search being conducted.

C. OTHER SAFETY AND SECURITY PRECAUTIONS


The facility procedure shall also include a description of any safety and security precautions observed when a patient enters the facility as well as safety and security precautions to be followed when a patient receives packages and/or other items from outside the hospital.

FACILITY COMPLIANCE

All Department of Mental Health facilities, except Whiting Forensic Institute, shall observe the provisions of this policy. Nothing in this policy shall be construed to limit or interfere with any order of the Psychiatric Security Review Board regarding searches of a patient or patient's property, if applicable.

Each Department of Mental Health facility shall have a written procedure for patient searches which incorporates, but is not limited to, the above requirements, and which addresses the needs of the various programs operated by each facility. Such procedure shall include the process for obtaining permission to search a patient or his/her property, as well as other types of documentation in the medical record and/or incident report, if needed.

The facility procedure shall be approved by the head of the facility and the Commissioner of Mental Health prior to taking effect.

  
Albert J. Solnit, M.D.  
Commissioner

This policy replaces Commissioner's Policy Statement No. 36, dated March 12, 1993.